

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
BATESVILLE DIVISION**

ALISHA PEARSON
ADC#708929 *et al.*

PLAINTIFF

V.

1:07CV00004 JMM/HDY

JEFF DEEN *et al.*

DEFENDANTS

ORDER

Plaintiff Pearson initiated this § 1983 action by filing a Complaint, unaccompanied by an Application to Proceed *In Forma Pauperis*, alleging various constitutional claims. Plaintiff's claims were asserted on her behalf by the primary Plaintiff, Teresa C.W. Pryor-Kendrick. In an Order dated June 7, 2007 (docket entry #17), the Court ordered Plaintiff Pearson to file, within thirty days, either the \$350.00 filing fee or a completed *In Forma Pauperis* application.

Local Rule 5.5(c)(2) provides that if any communication from the Court to a *pro se* litigant is not responded to within thirty days, the case may be dismissed without prejudice. More than thirty days have passed since the entry date of that Order, and Plaintiff has not responded to the Court's Order.¹

Under these circumstances, the Court concludes that this case should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2). *See Miller v. Benson*, 51 F.3d 166, 168

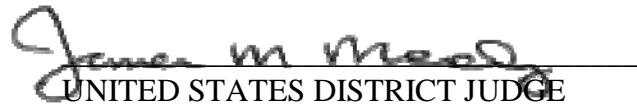
¹

In a Partial Report and Recommendation submitted on June 14, 2007 (docket entry #19), Plaintiff Pearson was advised that if she wished to proceed with the claims raised on her behalf in Plaintiff Pryor-Kendrick's complaint, she should file a separate § 1983 complaint form with an *In Forma Pauperis* application. This Order in no way diminishes that direction, and Plaintiff Pearson remains free to assert these claims in a new cause of action.

(8th Cir. 1995) (“District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and we review the exercise of this power for abuse of discretion.”)

IT IS THEREFORE ORDERED that Plaintiff Pearson’s claims be and they are hereby DISMISSED WITHOUT PREJUDICE.

DATED this 17th day of July, 2007.



UNITED STATES DISTRICT JUDGE